

1 B. (X) On motion by the Government/() on Court's own motion, in a case
2 allegedly involving:
3 (X) On the further allegation by the Government of:
4 1. (X) a serious risk that the defendant will flee.
5 2. () a serious risk that the defendant will:
6 a. () obstruct or attempt to obstruct justice.
7 b. () threaten, injure or intimidate a prospective witness or
8 juror, or attempt to do so.
9 C. The Government (X) is/() is not entitled to a rebuttable presumption that no
10 condition or combination of conditions will reasonably assure the defendant's
11 appearance as required and the safety of any person or the community.

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13 **II.**

14 A. (X) The Court finds that no condition or combination of conditions will
15 reasonably assure:
16 1. (X) the appearance of the defendant as required.
17 (X) and/or
18 2. (X) the safety of any person or the community.
19 B. (X) The Court finds that the defendant has not rebutted by sufficient evidence
20 to the contrary the presumption provided by statute.

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22 **III.**

23 The Court has considered:

24 A. (X) the nature and circumstances of the offense(s) charged, including whether
25 the offense is a crime of violence, a Federal crime of terrorism, or involves
26 a minor victim or a controlled substance, firearm, explosive, or destructive
27 device;

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1 B. (X) the weight of evidence against the defendant;
2 C. (X) the history and characteristics of the defendant; and
3 D. (X) the nature and seriousness of the danger to any person or the community.

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5 **IV.**

6 The Court also has considered all the evidence adduced at the hearing and the
7 arguments and/or statements of counsel, and the Pretrial Services
8 Report/recommendation.

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10 **V.**

11 The Court bases the foregoing finding(s) on the following:

12 A. (X) As to flight risk: Defendant is facing a lengthy prison sentence if convicted
13 on the charged offense and he has failed to proffer any evidence that is
14 sufficient to rebut the presumption of flight, and Defendant's 15-year daily
15 use of marijuana leads the Court to find Defendant will be unable to
16 comply with any condition of release prohibiting the use of drugs.
17 B. (X) As to danger: The nature of the charged offense, Defendant's lengthy
18 criminal history involving drug-related offenses, and his failure to proffer
19 sufficient evidence to rebut the presumption of danger.

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21 **VI.**

22 A. () The Court finds that a serious risk exists the defendant will:
23 1. () obstruct or attempt to obstruct justice.
24 2. () attempt to/ () threaten, injure or intimidate a witness or juror.
25 B. The Court bases the foregoing finding(s) on the following:

1 VI.
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3 A. IT IS THEREFORE ORDERED that the defendant be detained prior to trial.
4 B. IT IS FURTHER ORDERED that the defendant be committed to the custody of
5 the Attorney General for confinement in a corrections facility separate, to the
6 extent practicable, from persons awaiting or serving sentences or being held in
7 custody pending appeal.
8 C. IT IS FURTHER ORDERED that the defendant be afforded reasonable
9 opportunity for private consultation with counsel.
10 D. IT IS FURTHER ORDERED that, on order of a Court of the United States or on
11 request of any attorney for the Government, the person in charge of the
12 corrections facility in which defendant is confined deliver the defendant to a
13 United States marshal for the purpose of an appearance in connection with a
14 court proceeding.

15 Dated: October 30, 2012

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17 /s/ Arthur Nakazato
18 ARTHUR NAKAZATO
19 UNITED STATES MAGISTRATE JUDGE
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